

SENATE BILL No. 152

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-30-6-16; IC 35-49-3-4.

Synopsis: Sharing sexually explicit material. Authorizes a school corporation to provide education concerning the potential risks and consequences of creating and sharing sexually suggestive or explicit materials through cell phones, over a computer, or through other digital media. Provides that, for a defendant charged with an offense involving the dissemination or display to minors of material that is harmful to minors or obscene, it is a defense that the defendant was less than four years older than the minor who received or accessed the matter and that the minor expressly or implicitly acquiesced in the defendant's conduct.

Effective: July 1, 2010.

Bray

January 5, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 152

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-30-6-16 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]: **Sec. 16. A school corporation may offer classes,**
4 **instruction, or programs regarding the potential risks and**
5 **consequences of creating and sharing sexually suggestive or explicit**
6 **materials through cell phones, social networking web sites,**
7 **computer networks, and other digital media.**

8 SECTION 2. IC 35-49-3-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. It is a defense to a
10 prosecution under section 3 of this chapter for the defendant to show:

11 (1) that the matter was disseminated or that the performance was
12 performed for legitimate scientific or educational purposes;

13 (2) that the matter was disseminated or displayed to or that the
14 performance was performed before the recipient by a bona fide
15 school, museum, or public library that qualifies for certain
16 property tax exemptions under IC 6-1.1-10, or by an employee of
17 such a school, museum, or public library acting within the scope



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1 of ~~his~~ **the defendant's** employment;

2 (3) that ~~he~~ **the defendant** had reasonable cause to believe that the
 3 minor involved was eighteen (18) years old or older and that the
 4 minor exhibited to the defendant a draft card, driver's license,
 5 birth certificate, or other official or apparently official document
 6 purporting to establish that the minor was eighteen (18) years old
 7 or older; ~~or~~

8 (4) that ~~he~~ **the defendant** was a salesclerk, motion picture
 9 projectionist, usher, or ticket taker, acting within the scope of ~~his~~
 10 **the defendant's** employment and that ~~he~~ **the defendant** had no
 11 financial interest in the place where ~~he~~ **the defendant** was so
 12 employed; **or**

13 **(5) that:**

14 **(A) the defendant was less than four (4) years older than**
 15 **the minor who received or accessed the matter harmful to**
 16 **minors; and**

17 **(B) the minor expressly or implicitly acquiesced in the**
 18 **defendant's conduct.**

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